

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 GAYLEN GEORGE THOMPSON, }
9 Plaintiff, }
10 v. }
11 WHITE PINE CO DISTRICT COURT et al., }
12 Defendants. }
13

2:18-cv-00469-GMN-GWF

ORDER

I. DISCUSSION

15 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
16 ("NDOC"), has filed a motion for subpoena authorization. (ECF No. 2). Plaintiff has not filed
17 a complaint or an application to proceed *in forma pauperis* in this matter.

18 Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing
19 a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30)
20 days from the date of this order to submit a complaint to this Court. The Court denies
21 Plaintiff’s motion for subpoena authorization (ECF No. 2) because there is no pending action.
22 See Fed. R. Civ. P. 45(a)(2) (authorizing a subpoena from a court where the action is
23 pending).

24 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
25 application to proceed *in forma pauperis* and attach both an inmate account statement for the
26 past six months and a properly executed financial certificate. Plaintiff will be granted an
27 opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full
28 filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*
he must file a fully complete application to proceed *in forma pauperis*.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
3 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as
4 the document entitled information and instructions for filing an *in forma pauperis* application.

5 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
6 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
7 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
8 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
9 administrative fee).

10 IT IS FURTHER ORDERED that Plaintiff shall submit a complaint to this Court within
11 **thirty (30) days** from the date of this order.

12 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
13 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

14 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
15 dismissal of this action may result.

16 IT IS FURTHER ORDERED that the motion for subpoena authorization (ECF No. 2) is
17 denied.

19 DATED: This 19th day of March, 2018.

20 
21 _____
22 United States Magistrate Judge

23

24

25

26

27

28